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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,112	01/03/2001	Toufic Boubez	RSW920000102US1	7400

7590 06/28/2005

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EXAMINER
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HAMILTON, LALITA M

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/758,112	Applicant(s) BOUBEZ ET AL.	
	Examiner Lalita M. Hamilton	Art Unit 3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 April 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Summary**

On November 26, 2004, an Office Action was mailed to the Applicant rejecting claims 1-30. On April 4, 2005, the Applicant responded with a rule 1.131 Affidavit and adding new claim 31.

### ***Drawings***

The objection has been withdrawn.

### ***Claim Rejections - 35 USC § 101***

The rejection has been withdrawn.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-31 are rejected under 35 U.S.C. 102(e) as being anticipated by Poon (US 2002/0062265).

Poon discloses a method and corresponding apparatus with means and computer program product with instructions in a data processing system for facilitating user selection of an item category in an online auction comprising receiving a registration request, the registration request including a service description and an

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identification of a category within the taxonomy in which the service is to be registered, determining if the service description should be registered in the identified category based on a canonical service description associated with the category, and registering the service description in the identified category if the determination is that the service description should be registered in the identified category (p.49-50, 26-32); the canonical service description identifies minimum criteria for the category (p.49-50, 26-32); registering the service description in the category includes storing the service description and an associated model description in a storage in association with the category (p.49-50, 26-32); implementation in a service broker within at least one network (p.49-50, 26-32); if it is determined that the service description should be registered in the category, a determination is made as to whether a request to add a new category is received (p.49-50, 26-32); if a request to add a new category is received, a determination is made as to whether to add the new category, and wherein if the new category is added, the service description is registered in association with the new category (p.49-50, 26-32); the canonical service description includes information identifying minimum requirements of the category regarding one or more of security requirements, privacy requirements and communication protocol requirements (p.49-50, 26-32); if it is determined that the service description should not be registered in the category, searching the taxonomy for an alternate category in which the service description should be registered and registering the service description in the alternate category (p.49-50, 26-32); searching the taxonomy for an alternate category includes searching one or more of sibling, parent and child categories of identified category

within a predetermined range of the identified category the taxonomy (p.49-50, 26-32); searching the taxonomy for an alternate category includes searching the taxonomy for a category in which the service description meets requirements of canonical service description associated with the alternate category (p.49-50, 26-32); and receiving a registration request at the service broker device, the registration request including a canonical service description and an identification of a category within the taxonomy in which the service is to be registered, determining if the service description should be registered in the identified category based on a canonical service description associated with the category, wherein the canonical service description includes information identifying minimum requirements of the category regarding one or more of security requirements, privacy requirements, or communication protocol requirements, if the determination is that the service description should be registered in the identified category, registering the service description in the identified category; and if the determination is that the service description should not be registered in the identified category, searching the taxonomy for an alternate category in which the service description should be registered and registering the service description in the alternate category, and storing the service description and an associated model description in a storage device in association with the registered category (p.49-50, 26-32).

### ***Response to Arguments***

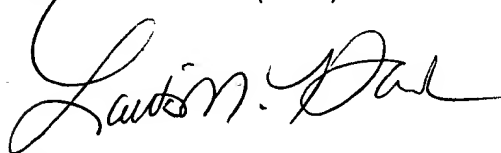
Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lalita M. Hamilton whose telephone number is (571) 272-6743. The examiner can normally be reached on Tuesday-Thursday (8:30-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Lalita M. Hamilton', is written over the printed name 'Lalita M. Hamilton'.

LMH